

other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I, along with my colleagues Congressmen CHAFFETZ from Utah and CONYERS from Michigan, am introducing the Geolocation Privacy and Surveillance Act, a bill that protects Americans from seeing their phones and other devices turned into location trackers without so much as a warrant or a warning. While law enforcement agencies can and have obtained, and should obtain, probable cause search warrants from a neutral judge authorizing them to track the location of Americans, in many other cases, government agencies obtain sensitive location information without a warrant. My colleagues, Mr. CHAFFETZ and CONYERS, and I intend to fix that.

This is a situation where government agencies' use of new technology has gotten ahead of the laws in ways that would surprise many Americans. Federal, State, and local agencies routinely track Americans' locations through a variety of methods, most of the time without people knowing they are being tracked. Some tracking demands go directly from the government to phone companies. In the first 6 months of 2016, law enforcement agencies submitted at least 86,000 demands to telephone companies for subscriber location data. Some of these demands were for the records of hundreds or even thousands of customers at a time.

Law enforcement agencies also regularly track cell phones with the use of a surveillance technology known as a cell site simulator or Stingray. A recent bipartisan report by the Committee on Oversight and Government Reform in the House of Representatives found that the Departments of Justice and Homeland Security have spent more than \$95 million to buy over 430 Stingrays. Although Federal agencies now obtain warrants before using this technology, many State and local agencies do not.

There is currently no uniform legal standard that regulates how Federal, State, and local law enforcement agencies are able to spy on the location of Americans. Instead, there exists a confusing patchwork of State laws, policies adopted by law enforcement agencies, and legal precedents set by Federal and State courts. As a result, Americans in one part of the country may enjoy less privacy, based on the policies adopted by their local police department, privacy laws passed by their State legislatures, or the willingness of their phone provider to push back in court, than Americans who happen to live in a privacy-superior jurisdiction. This patchwork quilt of rules and regulations has led to confusion among law enforcement, prosecutors, and service providers, who waste valuable time and resources litigating and appealing what should be clear-cut rules—clear-cut rules that start from the premise that privacy is an inviolable right, not a convenience granted by local law enforcement.

Under President Obama, there was a policy in place that required Federal law enforcement officers to get a probable cause warrant before tracking an American's location. Under the current administration, we do not yet know if this policy will remain, which makes this bill even more critical.

This bill has three main components.

First, it requires the government to show probable cause and get a warrant before acquiring the geolocation information of a U.S. person, while setting out clear exceptions such as emergency or national security situations or cases of theft or fraud. This probable cause requirement would apply to all law enforcement acquisitions of the geolocation information of individual Americans without their knowledge. This requirement will include indirect location information acquisition from commercial service providers and direct acquisitions using Stingrays and similar devices, including tracking devices covertly installed by the government. This bill would regulate both real-time tracking of a person's movements, as well as the acquisition of records of past movements.

Second, the bill creates criminal penalties for secretly using an electronic device to track a person's movements that parallel those for wiretapping. Currently, if a woman's ex-husband taps her phone, he is breaking the law. This legislation would treat hacking her cell phone to track her movements as a similar offense.

Finally, it prohibits commercial service providers from sharing customers' geolocation information with outside entities without customer consent.

Passage of this bill would provide much needed privacy protections to Americans and ensure that location data is adequately protected from warrantless surveillance by law enforcement agencies.

I thank my colleagues CHAFFETZ and CONYERS for their efforts on this bill, and I hope the Judiciary Committee will consider our proposal quickly.

By Mr. Kaine (for himself, Mr. WARNER, Mr. CARDIN, and Mr. VAN HOLLEN):

S.J. Res. 22. A joint resolution granting the consent and approval of Congress to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission; to the Committee on the Judiciary.

Mr. Kaine. Mr. President, the National Capital Region relies on DC Metrorail. Hundreds of thousands of commuters take it every day, including the Federal workforce. Visitors use it when they come to our Nation's Capital on vacations, school trips, or events of national significance. Yet for too long, critical safety maintenance has been neglected, at the cost of countless lost hours and frustration for riders, and tragically, several fatalities.

That is why I and my colleagues from Virginia and Maryland—Senators MARK WARNER, BEN CARDIN, and CHRIS VAN HOLLEN—and our bipartisan House colleagues are today introducing this compact creating the new Metro Safety Commission. This measure is introduced in concert with the Virginia and Maryland General Assemblies and the Council of the District of Columbia, to build momentum to encourage all three jurisdictions to enact this compact as quickly as possible, to get Metro back to safe reliable operation.

After fatal incidents on Metrorail in 2009 and 2015, the Federal Transit Administration took the unprecedented step of assuming direct safety oversight over the Washington Metropolitan Area Transit Authority WMATA, stating that it would not return control until it certified that a robust safety oversight body was in place. The safety commission envisioned by this compact is that body.

There are many WMATA matters on which different stakeholders have different opinions, but everyone agrees that safety must be our top priority. Upon enactment of this compact by the three jurisdictions, I urge my colleagues to take swift action to approve this measure so that daily commuters and visitors to Washington, DC, can regain confidence that Metro will take them safely to their destinations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 61—CALLING ON THE DEPARTMENT OF DEFENSE, OTHER ELEMENTS OF THE FEDERAL GOVERNMENT, AND FOREIGN GOVERNMENTS TO INTENSIFY EFFORTS TO INVESTIGATE, RECOVER, AND IDENTIFY ALL MISSING AND UNACCOUNTED-FOR PERSONNEL OF THE UNITED STATES

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 61

Whereas more than 83,000 personnel of the United States are still unaccounted-for around the world from past wars and conflicts;

Whereas, though recognizing that an estimated 50,000 of these World War II personnel, were lost deep at sea and are unlikely ever to be recovered, thousands of families and friends have waited decades for the accounting of their loved ones and comrades in arms;

Whereas the families of these brave Americans deserve our Nation's best efforts to achieve the fullest possible accounting for their missing loved ones;

Whereas the National League of POW/MIA Families, and their iconic POW/MIA flag, pioneered the accounting effort since 1970 and has been joined in this humanitarian quest for answers by the Korean War, Cold War and World War II families, fully supported by the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Jewish War Veterans, AMVETS, Vietnam Veterans of America, Special Forces Association, Special Operations Association, Rolling

Thunder, and other more recently formed groups, and thousands of families are yearning and advocating for answers concerning the fates of their loved ones and comrades in arms;

Whereas the mission of the Defense POW/MIA Accounting Agency of the Department of Defense is to provide the fullest possible accounting for missing members of the Armed Forces of the United States, designated civilians of the Department, and other designated personnel; and

Whereas the recovery and investigation teams of the Department of Defense deploy to countries around the world to account as fully as possible for these missing and otherwise unaccounted-for personnel of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Defense POW/MIA Accounting Agency and other elements of the Department of Defense, other elements of the Federal Government, and all foreign governments to intensify efforts to investigate, recover, identify and account as fully as possible for all missing and unaccounted-for personnel of the United States around the world; and

(2) calls upon all foreign governments with information on missing personnel of the United States, or with missing personnel of the United States within their territories, to cooperate fully with the Government of the United States to provide the fullest possible accounting for all missing personnel of the United States.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are au-

thorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, February 15, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The committee will hold a subcommittee hearing on "Moving America: Stakeholder Perspectives on Our Multimodal Transportation System."

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m., in room 406 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight: Modernization of the Endangered Species Act."

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m., to hold a hearing entitled "Ending Modern Slavery: Building on Success."

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 2:45 p.m. in order to conduct a hearing titled "High Risk: Government Operations Susceptible to Waste, Fraud, and Mismanagement."

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, February

15, 2017, to conduct a hearing entitled "Stopping Senior Scams: Developments in Financial Fraud Affecting Seniors". The committee will meet in room 562 of the Dirksen Senate Office Building beginning at 2:30 p.m.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 15, 2017, at 10 a.m.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Mike Boettcher of my personal staff have floor privileges through December 31, 2017, and Andrew J. Wishnia and Ann Marie Chaney of my Environment and Public Works Committee staff have floor privileges for the duration of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Josh Lind, be granted privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 9:16 p.m., adjourned until Thursday, February 16, 2017, at 10 a.m.